I. REMARKS / ARGUMENTS

The present application still contains claims 1-53. No amendment to the claims has been made.

A. Rejection under 35 U.S.C. 112

On page 2 of the Office Action, the Examiner has rejected claims 14, 15, 29-31 and 48-52 under 35 U.S.C. 112 as being indefinite for failing to particularly point out and distinctly claim the subject matter which the Applicant regards as the invention. More specifically, the Examiner states that in claims 14, 29 and 48, "it is not clear what the format of the weighting factor is within the timeslot allocation vector for indicating a preference rating for the particular timeslot. The Examiner also states that in claims 15, 30 and 49, "it is not clear how the timeslot allocation controller dynamically allocates timeslots in relationship to the first and second input frame patterns."

The Applicant respectfully traverses this rejection and submits that claims 14, 15, 29-31 and 48-52 are definite under 35 U.S.C. 112, as set forth herein below.

With regard to 35 U.S.C. 112, second paragraph, MPEP 2173.02 states that:

> The essential inquiry pertaining to this requirement is whether the claims set out and circumscribe a particular subject matter with a reasonable degree of clarity and particularity. Definiteness of claim language must be analyzed, not in a vacuum, but in light of:
>
> (A) The content of the particular application disclosure
> (B) The teachings of the prior art; and
> (C) The claim interpretation that would be given by one possessing the ordinary level of skill in the pertinent art at the time the invention was made.

The Examiner's attention is directed to the specification passage beginning at line 14 of page 5 and ending at line 1 of page 7, as well as to the specification passage beginning at line 7 of page 17 and ending at line 23 of page 18. The Applicant respectfully submits that these passages provide clear and unambiguous support for the language,

and therefore for the subject matter, of claims 14,15, 29, 30, 48 and 49 as they currently stand.

As noted by the Court in *In re Swinehart*[1], a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought. Likewise, in *In re Miller*[2], the Court held that breadth of a claim is not to be equated with indefiniteness. Furthermore, if the claims, read in light of the specification, reasonably apprise those skilled in the art both of the utilization and scope of the invention, and if the language is as precise as the subject matter permits, the statute (35 U.S.C. 112, second paragraph) demands no more.[3]

The Applicant respectfully submits that the language of claims 14-15, 29-30 and 48-49, read in light of the above-mentioned specification passages, reasonably apprises those skilled in the art both of the utilization and scope of the invention claimed therein, and is as precise as the subject matter permits.

In light of the foregoing, the Applicant respectfully submits that claims 14, 15, 29, 30, 48 and 49 are in full compliance with 35 U.S.C. 112, and the Examiner is requested to withdraw the rejection under 35 U.S.C. 112.

B. Rejection under 35 U.S.C. §102

On page 3 of the Office Action, the Examiner has rejected claims 1, 19, 32, 33, 37 and 53 under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,582,601 (hereinafter referred to as Newman et al.). The Applicant respectfully disagrees with this rejection and submits that the claims of the application distinguish patentably over the cited prior art reference, as discussed below.

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[1] 439 F.2d 210, 160 USPQ 226 (CCPA 1971)
[2] 441 F.2d 689, 169 USPQ 597 (CCPA 1971)
[3] *Shatterproof Glass Corp. v. Libbey Owens Ford Co.*, 758 F.2d 613, USPQ 634 (Fed. Cir. 1985); *Hybritech, Inc v. Monoclonal Antibodies, Inc.*, 802 F.2d 1367, 231 USPQ 81 (Fed. Cir. 1986)

and further in view of U.S. Patent No. 6,404,753 (hereinafter referred to as Chien et al.).

Finally, the Examiner has rejected claims 17, 34, 35 and 51 under 35 U.S.C. §103(a) as being obvious over Newman et al. in view of U.S. Patent No. 6,349,092 (hereinafter referred to as Bisson et al.).

In light of the foregoing discussion with regard to independent claims 1, 19, 32 and 37, the Applicant respectfully submits that dependent claims 2-13, 17, 21-28, 34, 35, 38-47 and 51, distinguish clearly and patentably over the cited prior art references, taken alone or in combination.

More specifically, nothing in the references applied by the Examiner, taken individually or collectively, would suggest or motivate one skilled in the art to detect the traffic patterns of traffic units received from first and second source points, nor of regulating these traffic patterns such that a possibility of collision between the traffic units sent from the first source point and the traffic units sent from the second source point is reduced.

Accordingly, dependent claims 2-13, 17, 21-28, 34, 35, 38-47 and 51 are believed to be in condition for allowance and the Examiner is respectfully requested to withdraw all of the rejections under 35 U.S.C. §103(a).

II. CONCLUSION

In view of the foregoing, the Applicant is of the view that claims 1-53 are in allowable form. Favorable reconsideration is requested. Early allowance of the Application is earnestly solicited.

If the application is not considered to be in full condition for allowance, for any reason, the Applicant respectfully requests the constructive assistance and suggestions of the Examiner in drafting one or more acceptable claims pursuant to MPEP 707.07(j) or in making constructive suggestions pursuant to MPEP 706.03 so that the application can be placed in allowable condition as soon as possible and without the need for further proceedings.

Respectfully submitted,

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